

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
July 6, 2006

Call to Order

The Mayor and City Council of Fayetteville met in regular session on Thursday, July 6, 2006 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Glenn Brewer, Larry Dell, Paul Oddo, Jr., Wilson Price and Walt White. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

Dell moved to approve the minutes of the Regular Council Meeting of June 15, 2006. Price seconded the motion. The motion carried unanimously

Public Hearings:

Mayor Steele called 2nd Reading on Proposed Ordinance #0-11-06 - Amendment to the Zoning Ordinance section 94-285 to address Tractor Trailer parking for commercial uses.

Eldridge Gunn, Director of Planning and Zoning stated currently, the City's zoning ordinance addresses the parking of tractor trucks, semi-trailers, and tractor trailers in residential districts but it does not address parking of the aforementioned vehicles in commercial districts. The proposed amendment is to address the parking of tractor trucks within commercial districts in the City of Fayetteville.

The amended section of the ordinance would add a Section 94-285 under Article VI. Application of Regulations.

Sec. 94-285 Parking of tractor trucks in commercial districts restricted.

(a) Owners of tractor trucks residing within the City of Fayetteville as of [April 1, 2006] and who personally operate a tractor truck may be allowed to park or store within a commercial district subject to the following restrictions and requirements:

(1) The owner/operator of the tractor truck shall secure a permit from the zoning administrator for the parking or use of a tractor truck in commercial districts.

(2) Proof of the applicant's ownership of the tractor truck in question shall be required as a precondition to the issuance of a permit hereunder. The permit shall be personal to the permittee

and shall be non-assignable and non-transferable. Only one (1) permit shall be issued per residence.

(3) Written permission from the commercial property owner shall be required as a precondition to the issuance of a permit hereunder.

(4) An owner/operator of a tractor truck who has obtained a valid permit pursuant to this section shall park such tractor truck only upon a paved or concrete driveway at the commercial site.

(5) A permit issued hereunder shall remain valid for as long as the permit holder qualifies for a non-conforming permit pursuant to this section 94-285.

(6) No person shall perform major repairs on a tractor truck in a C-2 commercial district or in a C-3 commercial district unless a special exception allowing that use has been approved in accordance with Sec. 94-167 of this Code. Light servicing shall be permissible provided that such light servicing is done in accordance with applicable federal and state law (specifically including, but not limited to, those laws governing hazardous waste disposal and environmental protection) and provided that such servicing does not create a nuisance or otherwise violate any other provision of the city's Code.

Staff recommends approval.

There were no Public Comments.

White moved to adopt Ordinance #0-11-06 - Amendment to the Zoning Ordinance section 94-285 to address Tractor Trailer parking for commercial uses. Dell seconded the motion. The motion carried unanimously.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-12-06 - Amendment to City of Fayetteville Retirement Plan.

Lynn Robinson, Director of Finance and Administrative Services stated that on February 15, 2006, the Retirement Committee met for its annual meeting. The committee members recommended the following changes to the City's Retirement Ordinance:

- A 2%, one-time discretionary adjustment for current retirement participants for fiscal year 2007.
- The retirement benefit rate be changed from \$38 to \$45 for eligible elected official participants.

The cost for the one-time discretionary 2% increase for all current retirees will be approximately \$3,094.00 per year.

There were no Public comments.

Dell moved to adopt Ordinance #0-12-06 - Amendment to City of Fayetteville Retirement Plan. Price seconded the motion.

For motion: Dell, Price, White, Brewer

Abstained: Oddo

Motion carried.

Mayor Steele called Public Hearing and 2nd Reading on Proposed Ordinance #0-13-06 - Amendment to Section 86-68 Proportionate Share Fee Partial Exemptions.

Joe Morton, City Manager advised staff is recommending several changes to the Sewer Proportionate Share Fee Ordinance, Section 86-68 as it relates to partial exemptions for “Priority Uses” in the Main Street District.

Several of the changes are “housekeeping changes” in order to provide consistency between the Proportionate Share Fee Ordinance and the Impact Fee Ordinance. Staff is also recommending that a new “Priority Use” be included in the partial exemptions. The new “Priority Use” would be for residential development and redevelopment projects which incorporate the voluntary installation of NFPA approved fire sprinkler systems within the Main Street District. This would hopefully encourage the use of fire sprinkler systems within the Main Street District where higher density is encouraged while minimizing the impact of new development on Fire Department resources.

There were no Public Comments

Price moved to adopt Ordinance #0-13-06 - Amendment to Section 86-68 Proportionate Share Fee Partial Exemptions. Dell seconded the motion. The motion carried unanimously.

Mayor Steele called Public Hearing and 2nd Reading on Proposed Ordinance #0-14-06 - Amendment to Section 36-7 Development Impact Fee Partial Exemptions.

Joe Morton, City Manager stated that staff is recommending several changes to the Impact Fee Ordinance, Section 36-7 as it relates to partial exemptions for “Priority Uses” in the Main Street District.

Several of the changes are “housekeeping changes” in order to provide consistency between the Proportionate Share Fee Ordinance and the Impact Fee Ordinance. Staff is also recommending that a new “Priority Use” be included in the partial exemptions. The new “Priority Use” would be for residential development and redevelopment projects which incorporate the voluntary installation of NFPA approved fire sprinkler systems within the Main Street District. This would

hopefully encourage the use of fire sprinkler systems within the Main Street District where higher density is encouraged while minimizing the impact of new development on Fire Department resources.

There were no Public Comments.

Dell moved to adopt Ordinance #0-14-06 - Amendment to Section 36-7 Development Impact Fee Partial Exemptions. White seconded the motion. The motion carried unanimously.

Mayor Steele called Public Hearing and 2nd Reading on Proposed Ordinance #0-15-06 – Fiscal Year 2007 Budget.

Lynn Robinson, Director of Finance and Administrative Services advised The City of Fayetteville prepares an annual budget for ten (10) different funds including the General Fund, Water and Sewer Fund, Solid Waste Fund, Capital Projects Fund, Impact Fee Fund, Special Purpose Local Option Sales Tax Fund, Cemetery Trust Fund, Confiscated Asset Fund, Hotel/Motel Tax Fund, and the Vehicle Rental Excise Tax Fund, and two (2) component units, Downtown Development Authority and Main Street Tourism Fund. The total revenue of all funds and component units for the City of Fayetteville is \$22,656,925. The total appropriation of fund balances for all funds is \$12,189,499. The total expenditures and other uses for all funds are \$34,846,424.

The General Fund budget has increased by 4.31% over fiscal year 2006. The Water and Sewer Fund has decreased by (4.27%) due to the completion of stormwater drainage system infrastructure. The Capital Projects Fund increased by 16.26% over fiscal year 2006. The SPLOST Fund has increased over fiscal year 2006 by 100%, due to the transportation projects that are included in the proposed budget. The Cemetery Trust Fund has increased by 481.16% over fiscal year 2006 due to a transfer to Capital Projects Fund for the City Cemetery Improvement Project. The Hotel Motel Tax Fund increased by 26.79% over fiscal year 2006 anticipating a full year of the new hotel located in the City of Fayetteville. The Downtown Development Authority has decreased by (26.22%) because the 2001 Bond Projects function has remaining reserved fund balance of \$35,000 for the façade project and \$35,000 for Depot Renovation. The Main Street Tourism Fund has increased by 3.75%.

The ad valorem property tax digest is expected to increase for fiscal year 2007 by approximately 9%. The increase is due to growth and reassessment in the City's tax digest. The 2005 net digest was 753,251,751. Therefore, for fiscal year 2007, estimating an increase of 9%, the net digest will be 821,044,409. The City's tax digest percentage growth has averaged between 7.04% in 2003 and 13.34% in 2002, as indicated in the chart to the right. The General Fund's budgeted millage is 2.283 mills. The Capital Projects Fund dedicated millage is .75 mills. A mill's value is estimated to be \$821,044 based on the 9% growth factor. Staff is recommending that the millage remain at the current rate of 3.033 mills.

The personnel positions added in the fiscal year 2007 budgets are: one Stormwater Maintenance Worker, one WasteWater Treatment Plant Operator, one Drug Task Force Patrol Officer, and one part-time Facility Maintenance Manager. The Stormwater Maintenance Worker is funded through the Stormwater Function in the Water and Sewer Fund. The general supervision of this position will be under the Public Works Department. The WasteWater Treatment Plant Operator is funded in the Water and Sewer Fund. The Drug Task Force Patrol Officer will be funded in General Fund. The Facility Maintenance Manager will be funded through the Downtown Development Authority and the MainStreet Tourism Fund.

Staff has budgeted an average of 3.5% to continue our Pay for Performance Salary Plan and our Retention Plan. Funds are included in the budget to continue our employee safety and longevity programs.

Employee benefits are estimated to increase by ten percent 10%. The employee benefits include health insurance, vision, dental, life, and short-term and long-term disability. The increase is based on claims, changes in dependent status, premium adjustments, and increased employee participation. The City has implemented an employee voluntary Wellness Program. The long term benefit to the City will be reduced claims and lower percentage increases. Incentives have been budgeted in conjunction with our Wellness Program. The employee's life insurance costs will increase as salaries increase because coverage is based on annual income with a limit of \$50,000.

Employee's defined retirement, participants deferred retirement, worker's compensation, and participant's flexible spending accounts have been budgeted for fiscal year 2007. The defined retirement has been amended to increase the Elected Official's retirement pension. There is no increase for the administration of each plan, however, cost to the City is increased as salaries and/or participation increases. The participant's whom utilize the flexible spending plan use this plan on a pre-taxed basis, which, saves the City tax money at the federal and state tax levels.

Much appreciation goes to the Mayor and City Council for setting the overall vision and goals for the City, and to our department directors and staff for managing our resources in the most cost-effective manner in reaching these goals.

There were no Public Comments.

Mayor Steele advised this ordinance is reposted for second reading and the city will hold another public hearing on the Budget Ordinance at the July 20, 2006 meeting.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-16-06 Amendment to Parks and Recreation Ordinance.

Eldridge Gunn, Director of Planning and Zoning advised this Ordinance will set rules and regulations for all City Parks.

There were no Public Comments.

White moved to adopt Ordinance #0-16-06 Amendment to Parks and Recreation Ordinance. Brewer seconded the motion. The motion carried unanimously.

Joe Morton, City Manager presented Department of Transportation Agreement for LCI Project.

Mr. Morton stated this agreement with GDOT is for construction of the LCI Lanier Avenue/Hwy 85 Pedestrian Improvement project. The agreement provides for federal funding in the amount of **\$1,163,993.00** to go with our local match of **\$290,998.25** for a total project cost of **\$1,454,991.25**. The federal match is 80% of the total cost. The City would need to cover any cost overruns. We budgeted \$326,200 for our local match, anticipating a federal match of \$1,304,800 and a total cost of \$1,631,000. However, the scope of the project changed from the original Village Green concept after this budget amount was set up and no right of way acquisition is required. ARC cited these reasons for the funding change.

David Winkle reviewed the agreement and suggested we include in our construction contract that we can terminate the project if the State terminates our funding (which is stated in the termination clause of the DOT LCI agreement) and that the contractor needs to comply with all the requirements of DOT applicable to the contractor's work and hiring practices. This would cover things like Drug Free Workplace, compliance with the Davis-Bacon Act and the DBE goals. These are standard contract clauses and we will include them in the construction contract. David's suggestions can be handled without any problem.

The project is still on schedule for bidding this summer and construction starting this October and finishing about February. We are addressing review comments on the Categorical Exclusion and the construction plans submittals at this time.

White moved to approve agreement with the Georgia Department of Transportation for the LCI Project and authorize Mayor Steele to sign agreement. Price seconded the motion. The motion carried unanimously.

Eldridge Gunn, Director of Planning and Zoning presented a sign variance request from Dick's Sporting Goods.

Mr. Gunn advised the applicant is requesting a sign variance from the general regulations in the Sign Ordinance Section 6-10 (b) (3) that states each building in a planned center shall be permitted one wall sign not to exceed 150 square feet. They would like to erect a sign totaling 160 square feet.

Staff recommends approval.

Dell moved to approve sign variance request from Dick's Sporting Goods with a total of 160 square feet in signage. Price seconded the motion. The motion carried unanimously.

City Manager and staff Reports:

Joe Morton, City Manager advised Main Street had a lot of events going on this weekend with the Fayette Idol on Friday night and the July Jam free concert with the Swingin' Medallions on Saturday night.

City Council and Committee Reports:

Councilman Dell advised the Association of Fayette County Government's meeting schedule for July 11, 2006 has been cancelled and they will hold the next meeting on Tuesday October 10, 2006 at 7:00 p.m. at the City Depot.

Mayor and Council wished Larry Dell a Happy Birthday.

Dell moved to adjourn the meeting. Price seconded the motion. The motion carried unanimously.

Respectfully submitted,

Judy Stephens, City Clerk